

September 20, 2007

Montana Medicaid Notice

Physicians, Mid-Level Providers, Dentists, Pharmacies, and Inpatient and Outpatient Hospitals

Tamper-Resistant Prescription Pads — UPDATED

The Centers for Medicare and Medicaid Services (CMS) released guidance to state Medicaid programs regarding a new law requiring the use of Tamper-Resistant Prescription Pads. Beginning October 1, 2007, all written Medicaid prescriptions must be on Tamper-Resistant prescription pads. This requirement applies to all outpatient drugs, including over-the-counter medications, regardless of whether Medicaid is the primary or secondary payor. Prescriptions may still be telephoned, faxed, or transmitted electronically (e-prescribed) to pharmacies as allowed by current federal and state regulations.

Initial Department guidance issued September 7th proposed the use of indelible ink in an alpha-numeric format. Though the Department determined this met the intent of the law, CMS issued an additional Frequently Asked Questions (FAQ) document which stated this practice was not acceptable.

CMS provided further guidance that written orders prepared in an institutional setting where the patient never has the opportunity to handle the written orders are considered “tamper resistant.” The CMS guidance and FAQ documents are posted at the Department’s web-site:
<http://medicaidprovider.hhs.mt.gov/pdf/trpfaqs.pdf>

The Tamper Resistant Pad requirement does not apply to drugs which are “bundled” or not separately reimbursed in conjunction with services provided in nursing facilities, intermediate care facilities, and other specified institutional and clinical settings as described by 42 USC 1927 (k)(3) http://www.ssa.gov/OP_Home/ssact/title19/1927.html.

This requirement does not apply to refills of prescriptions written before October 1, 2007.

Requirements and Guidance

Montana Medicaid encourages prescribers to telephone, fax or electronically transmit prescriptions to pharmacies.

Beginning October 1, 2007, CMS will require that a Medicaid prescription pad shall contain one of the following three characteristics:

1. One or more industry-recognized features designed to prevent unauthorized copying of a completed or blank prescription form;

2. One or more industry-recognized features designed to prevent the erasure or modification of information written on the prescription by the prescriber, and
3. One or more industry-recognized features designed to prevent the use of counterfeit prescription forms.

Beginning October 1, 2008, a written Medicaid prescription must contain all three characteristics.

Pharmacies may fill the full prescription of covered outpatient drugs written on non-compliant prescription pads, or a portion thereof at the pharmacist's discretion. However, pharmacies must verbally confirm the non-compliant prescription and document the call on the face of the prescription, or obtain a faxed, electronic, or compliant written prescription within 72 hours of the date the prescription was filled.

The Department is compiling a list of vendors which can produce compliant pads. This list shall be posted on the DPHHS web page and updated regularly as new vendors are identified. This list is not exclusive and prescribers may contact the Department to confirm the acceptability of their tamper resistant pad.

Schedule II (CII) Drugs

Schedule II prescriptions must be in writing to comply with DEA and Montana Board of Pharmacy regulations specified in ARM 24.174.523. While pharmacies cannot fill faxed or verbal CII prescriptions, prescribers can use these methods to provide confirmation to pharmacies. In accordance with CMS guidance, faxed or verbal confirmation will render the CII prescription, written on non-tamper resistant paper, compliant.

Enforcement

Currently, the Federal law and CMS guidelines apply only to Medicaid clients' prescriptions. It will be essential to identify any Medicaid eligibility at the time the prescriptions are written and/or filled to ensure that those prescriptions comply with the applicable rules. CMS requires the States to enforce the tamper resistant pad requirement. The Department is developing audit procedures to ensure compliance.

Verifying Client Eligibility

There are several eligibility verification methods available using the client member number/card control number printing on the Montana Access to Health Card.

- Web Portal: <https://mtaccesstohealth.acs-shc.com/mt/general/home.do> will provide online eligibility information. Registration as a provider is necessary.
- FAXBACK 800-714-0075: Returns a copy of the client's eligibility when given the client's identification number, via fax to the provider within a couple of minutes after ending the call. Please make sure your fax number is on record with ACS to use this free service.
- AVRS (Automated Voice Response System) 800-714-0060: Provides the client's eligibility and billable identification number through an automated voice system.

- Provider Relations Department 800-624-3958 (in-state) 406-442-1837 (Helena and out-of-state): Verify eligibility with Provider Relations Monday-Friday from 8 am to 5 pm.

Please direct any questions regarding this notice to the following personnel: Physician and Mid-Level providers: Denise Brunett at (406) 444-5778; Dentists: Jan Paulsen at (406) 444-3182; Pharmacy providers: Wendy Blackwood at (406) 444-2738; Hospitals: Debra Stipcich at (406) 444-4834.

Contact Information

For claims questions or additional information, contact Provider Relations:

Provider Relations toll-free in- and out-of-state: 1-800-624-3958

Helena: (406) 442-1837

Visit the Provider Information website:

<http://www.mtmedicaid.org>